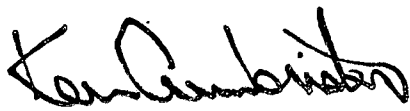


By:



S.B. No. 779

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting the creation or enforcement of certain restrictive covenants that undermine water conservation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 202, Property Code, is amended by adding Section 202.007 to read as follows:

Sec. 202.007. CERTAIN RESTRICTIVE COVENANTS PROHIBITED.

(a) A property owners' association may not include or enforce a provision in a dedicatory instrument that:

(1) prohibits or restricts a property owner from:

(A) implementing landscaping design, installation, or maintenance standards that result in water conservation, including standards relating to the use of native or other drought tolerant plants, shrubs, trees, or grasses;

(B) implementing measures promoting solid waste composting of vegetation, including grass clippings, leaves, or brush, or leaving grass clippings uncollected on grass;

(C) implementing efficient irrigation systems, including underground drip or other drip systems;

(D) installing rain barrels or a rain water harvesting system;

(E) landscaping a lot or parcel in a native or vegetative state;

(F) adding additional soil or compost, including

1 sludge compost;

2 (G) installing turf areas;

3 (H) installing appurtenances, including patios,
4 decks, walkways, or sidewalks; or

5 (I) implementing or installing any other water
6 conservation practices; or

7 (2) requires a property owner to:

8 (A) follow a defined irrigation schedule unless
9 the water supplier for the property mandates the irrigation
10 schedule to curtail outdoor water use;

11 (B) maintain the landscape at a specified level
12 that requires the owner to irrigate the property;

13 (C) install and use an automatic underground
14 irrigation system; or

15 (D) install and maintain a specific variety or a
16 limited choice of varieties of turf grass.

17 (b) A provision that violates Subsection (a) is void.

18 SECTION 2. (a) This Act takes effect September 1, 2003.

19 (b) The change in law made by this Act applies to a provision
20 in a dedicatory instrument as that term is defined by Section
21 202.001(1), Property Code, regardless of when the provision was
22 adopted.

A BILL TO BE ENTITLED

AN ACT:
relating to prohibiting the creation or enforcement of certain restrictive covenants that undermine water conservation.

FEB 28 2003 Filed with the Secretary of the Senate
MAR 05 2003 Read and referred to Committee on NATURAL RESOURCES
Reported favorably _____
Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.
Ordered not printed
Laid before the Senate
Senate and Constitutional Rules to permit consideration suspended by: { unanimous consent
_____ yeas, _____ nays
Read second time, _____, and ordered engrossed by: { unanimous consent
a viva voce vote
_____ yeas, _____ nays
Senate and Constitutional 3 Day Rule suspended by a vote of _____ yeas, _____ nays.
Read third time, _____, and passed by: { A viva voce vote
_____ yeas, _____ nays

SECRETARY OF THE SENATE

OTHER ACTION:

_____ Engrossed
_____ Sent to House

Engrossing Clerk _____

_____ Received from the Senate
_____ Read first time and referred to Committee on _____
_____ Reported _____ favorably (as amended) (as substituted)
_____ Sent to Committee on (Calendars) (Local & Consent Calendars)
_____ Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)
_____ Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of _____ yeas, _____ nays, _____ present, not voting.
_____ Read third time (amended); finally passed (failed to pass) by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)
_____ Returned to Senate.

_____ Returned from House without amendment.
_____ Returned from House with _____ amendments.
_____ Concurred in House amendments by a viva voce vote _____ yeas, _____ nays.

CHIEF CLERK OF THE HOUSE

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____
_____, _____, and _____

_____ House granted Senate request. House conferees appointed: _____, Chairman;
_____, _____, _____.

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
_____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by:

{ a viva voce vote
_____ yeas, _____ nays

OTHER ACTION:

_____ Recommitted to Conference Committee

_____ Conferees discharged.

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays